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SENATE

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CONVENTION ON WETLANDS OF INTERNATIONAL IMPORTANCE

MESSAGE

FROM

THE PRESIDENT OF THE UNITED STATES

TRANSMITTING

THE CONVENTION ON WETLANDS OF INTERNATIONAL IMPORTANCE ESPECIALLY AS WATERFOWL HABITAT, CONCLUDED AT RAMSAR, IRAN, FEBRUARY 2, 1971, WITH A PROTOCOL TO THE CONVENTION, CONCLUDED AT PARIS ON DECEMBER 3, 1982

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JUNE 23, 1986.—Convention was read the first time, and together with the accompanying papers, referred to the Committee on Foreign Relations and ordered to be printed for the use of the Senate

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LETTER OF TRANSMITTAL

THE WHITE HOUSE, *June 23, 1986.*

To the Senate of the United States:

I transmit herewith, for the advice and consent of the Senate to ratification, the Convention on Wetlands of International Importance especially as Waterfowl Habitat, concluded at Ramsar, Iran, February 2, 1971, and a Protocol to the Convention, concluded at Paris of December 3, 1982. The report of the Department of State is also enclosed for the information of the Senate.

The Convention is the result of a broad international recognition of the economic, cultural, scientific, ecological, and recreational value of wetlands, coupled with rising concern over the progressive worldwide loss and degradation of these habitats and their dependent resources. The Convention provides a framework for promoting the conservation of wetlands through international cooperative and coordinated actions, consultations, and information exchange.

A primary obligation under the Convention is the designation by Contracting Parties of wetlands within their territory for inclusion in a "List of Wetlands of International Importance." If advice and consent to ratification is forthcoming, I intend to designate the four wetlands named in the Department of State report.

The Protocol to the Convention establishes the four language texts of the original Convention as equally authentic and provides a mechanism for amending the Convention.

International efforts directed toward wetlands conservation are vital to the preservation of United States migratory bird populations, which are affected by the loss of wetland habitats to the south. United States participation would complement domestic wetlands protection efforts and legislation; help stimulate Latin American countries, in particular, to cooperate in protecting the wintering habitat of birds that migrate to North America; and provide a framework for sharing U.S. wetlands technology and experience.

I recommend that the Senate consider this matter at an early date, and give its advice and consent to ratification of the Convention and Protocol.

RONALD REAGAN.

LETTER OF SUBMITTAL

DEPARTMENT OF STATE,
Washington, June 11, 1986.

The PRESIDENT,
The White House.

THE PRESIDENT: I have the honor to submit to you, with a view to its transmittal to the Senate for advice and consent to ratification, the Convention on Wetlands of International Importance especially as Waterfowl Habitat, concluded at Ramsar, Iran, February 2, 1971, with a Protocol to the Convention, concluded at Paris on December 3, 1982.

The Convention was signed subject to ratification by the United States Observer to the United Nations Educational, Scientific and Cultural Organization (UNESCO) in Paris on September 13, 1985. There are now 39 Contracting Parties.

Although the United States participated in the negotiations which led to the adoption of the Convention, it deferred becoming a party because of opposition by conservationists who initially felt the Convention was too weak and by state authorities who feared U.S. participation would unduly expand federal authority. In practice, the Convention has been very useful in the designation and conservation of European wetlands. In light of this experience and the increasingly threatened status of wetlands worldwide, a wide range of conservation and state interests now consider that U.S. participation in the Convention would complement domestic wetlands protection and legislation, a major Administration objective; help stimulate Latin American countries to protect the wintering habitat of birds which migrate to North America; and provide a framework for sharing U.S. technology and expertise. There is broad bipartisan support for wetlands conservation in both Houses of Congress, and U.S. ratification of the Convention is perceived as a positive environmental initiative.

A principal provision of the Convention is Article 2, which specifies that each party shall designate at least one wetland area within its territory as a wetland of international importance at the time of either signature or ratification. It is proposed that the following wetlands located in the United States be designated for inclusion in the list:

1. Izembek National Wildlife Refuge/Izembek State Game Refuge in Alaska;
2. Edwin B. Forsythe National Wildlife Refuge in New Jersey;
3. Okefenokee National Wildlife Refuge in southeastern Georgia and northern Florida; and

4. Ash Meadows National Wildlife Refuge in Nevada.

Designation of these wetlands has been approved by the governor(s) of the state(s) in which each wetland is located. Each Contracting Party has the right to add to the list further wetlands situated within its territory.

Additional obligations of the Parties to the Convention are set forth in Articles 3, 4, 5 and 6 of the Convention. Article 3 requires that Contracting Parties formulate and implement their planning so as to promote the conservation of the designated wetlands and as far as possible the wise use of wetlands in their territory.

Article 4 of the Convention requires each Party to establish nature reserves on wetlands, whether included in the list or not. In addition, it obliges parties to encourage and promote wetlands research, information exchange, management and training. Article 4 further provides that if a Contracting Party deletes or restricts the boundaries of a designated wetland, it should as far as possible compensate for any loss of wetland resources by creating additional nature reserves for the protection of the original habitat.

Article 5 requires consultation among Parties regarding the implementation of obligations under the Convention and the coordination by the Parties of wetlands conservation policies and regulations. Article 6 specifies that the Parties shall convene conferences on the conservation of wetlands and waterfowl.

These substantive obligations are fully consistent with existing U.S. laws and regulations.

The 1982 Protocol specifies the procedure for amending the Convention—an item not covered in the Convention itself. The specified procedure is consistent with current standard practice for amending environmental multilateral agreements as well as with U.S. policy applicable to such amendments. The Protocol also establishes the English, French, German, and Russian language texts of the original Convention as being equally authentic.

No financial obligations would be incurred by the United States as a result of becoming a party to the Convention and Protocol. The United States would have to accept affirmatively any protocols or amendments involving financial commitments to be bound by them. While U.S. agencies do not now anticipate making any cash contributions under the Convention, the Department of Interior plans to provide technical data regarding wetlands inventory, classification, monitoring and management to support the work of the Convention after the United States becomes a Contracting Party.

The U.S. Fish and Wildlife Service of the Department of the Interior has prepared an environmental assessment pursuant to the National Environmental Policy Act of 1969, 42 U.S.C. §§ 4321–4370, discussing the environmental impacts of the Convention and Protocol on U.S. wetlands generally and on the four U.S. wetlands proposed for designation at the time of ratification. The environmental assessment concludes that there would be no adverse impacts on U.S. wetlands generally or on the four wetlands proposed for designation. To the contrary, the assessment indicates that positive and beneficial environmental consequences will be derived from United States participation in the Convention. The environmental assessment will be transmitted separately to the Senate Committee on Foreign Relations.

I recommend that the Convention and Protocol be transmitted to the Senate for its advice and consent to ratification.

Respectfully submitted,

GEORGE P. SHULTZ.

Convention on Wetlands of International Importance especially as Waterfowl Habitat

adopted by the International Conference on the Conservation of Wetlands and Waterfowl at Ramsar, Iran, 2 February 1971

Convention relative aux zones humides d'importance internationale particulièrement comme habitats de la sauvagine

adoptée par la Conférence internationale sur les zones humides et la sauvagine le 2 février 1971 à Ramsar, Iran

Übereinkommen über Feuchtgebiete insbesondere als Lebensraum für Wasser- und Watvögel von internationaler Bedeutung

angenommen durch die internationale Konferenz über Feuchtgebiete und Watvögel, am 2 februar 1971, Ramsar, Iran

Конвенция о водно-болотных угодьях, имеющих международное значение главным образом в качестве местообитаний водоплавающих птиц,

принятая Международной конференцией по водно-болотным угодьям и водоплавающей птице 2-го февраля 1971 г. в Рамсаре, Иран

Convention on Wetlands of International Importance Especially as Waterfowl Habitat

The Contracting Parties,

Recognizing the interdependence of man and his environment;

Considering the fundamental ecological functions of wetlands as regulators of water régimes and as habitats supporting a characteristic flora and fauna, especially waterfowl;

Being convinced that wetlands constitute a resource of great economic, cultural, scientific and recreational value, the loss of which would be irreparable;

Desiring to stem the progressive encroachment on and loss of wetlands now and in the future;

Recognizing that waterfowl in their seasonal migrations may transcend frontiers and so should be regarded as an international resource;

Being confident that the conservation of wetlands and their flora and fauna can be ensured by combining far-sighted national policies with co-ordinated international action;

Have agreed as follows:

ARTICLE 1

1. For the purpose of this Convention wetlands are areas of marsh, fen, peatland or water, whether natural or artificial, permanent or temporary, with water that is static or flowing, fresh, brakish or salt, including areas of marine water the depth of which at low tide does not exceed six metres.

2. For the purpose of this Convention waterfowl are birds ecologically dependent on wetlands.

ARTICLE 2

1. Each Contracting Party shall designate suitable wetlands within its territory for inclusion in a List of Wetlands of International Importance, hereinafter referred to as "the List" which is maintained by the bureau established under Article 8. The boundaries of each wetland shall be precisely described and also delimited on a map and they may incorporate riparian and coastal zones adjacent to the wetlands, and islands or bodies of marine water deeper than six metres at low tide lying within the wetlands, especially where these have importance as waterfowl habitat.

2. Wetlands should be selected for the List on account of their international significance in terms of ecology, botany, zoology, limnology or hydrology. In the first instance wetlands of international importance to waterfowl at any season should be included.

3. The inclusion of a wetland in the List does not prejudice the exclusive sovereign rights of the Contracting Party in whose territory the wetland is situated.

4. Each Contracting Party shall designate at least one wetland to be included in the List when signing this Convention or when depositing its instrument of ratification or accession, as provided in Article 9.

5. Any Contracting Party shall have the right to add to the List further wetlands situated within its territory, to extend the bound-

aries of those wetlands already included by it in the List, or, because of its urgent national interests, to delete or restrict the boundaries of wetlands already included by it in the List and shall, at the earliest possible time, inform the organization or government responsible for the continuing bureau duties specified in Article 8 of any such changes.

6. Each Contracting Party shall consider its international responsibilities for the conservation, management and wise use of migratory stocks of waterfowl, both when designating entries for the List and when exercising its right to change entries in the List relating to wetlands within its territory.

ARTICLE 3

1. The Contracting Parties shall formulate and implement their planning so as to promote the conservation of the wetlands included in the List, and as far as possible the wise use of wetlands in their territory.

2. Each Contracting Party shall arrange to be informed at the earliest possible time if the ecological character of any wetland in its territory and included in the List has changed, is changing or is likely to change as the result of technological developments, pollution or other human interference. Information on such changes shall be passed without delay to the organization or government responsible for the continuing bureau duties specified in Article 8.

ARTICLE 4

1. Each Contracting Party shall promote the conservation of wetlands and waterfowl by establishing nature reserves on wetlands, whether they are included in the List or not, and provide adequately for their wardening.

2. Where a Contracting Party in its urgent national interest, deletes or restricts the boundaries of a wetland included in the List, it should as far as possible compensate for any loss of wetland resources, and in particular it should create additional nature reserves for waterfowl and for the protection, either in the same area or elsewhere, of an adequate portion of the original habitat.

3. The Contracting Parties shall encourage research and the exchange of data and publications regarding wetlands and their flora and fauna.

4. The Contracting Parties shall endeavour through management to increase waterfowl populations on appropriate wetlands.

5. The Contracting Parties shall promote the training of personnel competent in the fields of wetland research, management and wardening.

ARTICLE 5

The Contracting Parties shall consult with each other about implementing obligations arising from the Convention especially in the case of a wetland extending over the territories of more than one Contracting Party or where a water system is shared by Contracting Parties.

They shall at the same time endeavour to co-ordinate and support present and future policies and regulations concerning the conservation of wetlands and their flora and fauna.

ARTICLE 6

1. The Contracting Parties shall, as the necessity arises, convene Conferences on the Conservation of Wetlands and Waterfowl.

2. These Conferences shall have an advisory character and shall be competent inter alia:

(a) to discuss the implementation of this Convention;

(b) to discuss additions to and changes in the List;

(c) to consider information regarding changes in the ecological character of wetlands included in the List provided in accordance with paragraph 2 of Article 3;

(d) to make general or specific recommendations to the Contracting Parties regarding the conservation, management and wise use of wetlands and their flora and fauna.

(e) to request relevant international bodies to prepare reports and statistics on matters which are essentially international in character affecting wetlands.

3. The Contracting Parties shall ensure that those responsible at all levels for wetlands management shall be informed of, and take into consideration, recommendations of such Conferences concerning the conservation, management and wise use of wetlands and their flora and fauna.

ARTICLE 7

1. The representatives of the Contracting Parties at such Conferences should include persons who are experts on wetlands or waterfowl by reason of knowledge and experience gained in scientific, administrative or other appropriate capacities.

2. Each of the Contracting Parties represented at a Conference shall have one vote, recommendations being adopted by a simple majority of the votes cast, provided that not less than half the Contracting Parties cast votes.

ARTICLE 8

1. The International Union for the Conservation of Nature and Natural Resources shall perform the continuing bureau duties under this Convention until such time as another organization or government is appointed by a majority of two-thirds of all Contracting Parties.

2. The continuing bureau duties shall be, inter alia:

(a) to assist in the convening and organizing of Conferences specified in Article 6;

(b) to maintain the List of Wetlands of International Importance and to be informed by the Contracting Parties of any additions, extensions, deletions or restrictions concerning wetlands included in the List provided in accordance with paragraph 5 of Article 2;

(c) to be informed by the Contracting Parties of any changes in the ecological character of wetlands included in the List provided in accordance with paragraph 2 of Article 3;

(d) to forward notification of any alterations to the List, or changes in character of wetlands included therein, to all Contracting Parties and to arrange for these matters to be discussed at the next Conference;

(e) to make known to the Contracting Party concerned, the recommendations of the Conferences in respect of such alterations to the List or of changes in the character of wetlands included therein.

ARTICLE 9

1. This Convention shall remain open for signature indefinitely.

2. Any member of the United Nations or of one of the Specialized Agencies or of the International Atomic Energy Agency or Party to the Statute of the International Court of Justice may become a party to this Convention by:

(a) signature without reservation as to ratification;

(b) signature subject to ratification followed by ratification;

(c) accession.

3. Ratification or accession shall be effected by the deposit of an instrument of ratification or accession with the Director-General of the United Nations Educational, Scientific and Cultural Organization, (hereinafter referred to as "the Depository").

ARTICLE 10

1. This Convention shall enter into force four months after seven States have become Parties to this Convention in accordance with paragraph 2 of Article 9.

2. Thereafter this Convention shall enter into force for each Contracting Party four months after the day of its signature without reservation as to ratification, or its deposit of an instrument of ratification or accession.

ARTICLE 11

1. This Convention shall continue in force for an indefinite period.

2. Any Contracting Party may denounce this Convention after a period of five years from the date on which it entered into force for that Party by giving written notice thereof to the Depository. Denunciation shall take effect four months after the day on which notice thereof is received by the Depository.

ARTICLE 12

1. The Depository shall inform all States that have signed and acceded to this Convention as soon as possible of:

(a) signatures to the Convention;

(b) deposits of instruments of ratification of this Convention;

(c) deposits of instruments of accession to this Convention;

(d) the date of entry into force of this Convention;

(e) notifications of denunciation of this Convention.

2. When this Convention has entered into force, the Depository shall have it registered with the Secretariat of the United Nations in accordance with Article 102 of the Charter.

IN WITNESS WHEREOF, the undersigned, being duly authorized to that effect, have signed this Convention.

DONE at Ramsar this 2nd day of February 1971, in a single original in the English, French, German and Russian languages, in any case of divergency the English text prevailing, which shall be deposited with the Depository which shall send true copies thereof to all Contracting Parties.

PROTOCOL TO AMEND THE CONVENTION ON WETLANDS OF INTERNATIONAL IMPORTANCE ESPECIALLY AS WATERFOWL HABITAT

The Contracting Parties,

Considering that for the effectiveness of the Convention on Wetlands of International Importance especially as Waterfowl Habitat, done at Ramsar on 2nd February 1971 (hereinafter referred to as "the Convention"), it is indispensable to increase the number of Contracting Parties;

Aware that the addition of authentic language versions would facilitate wider participation in the Convention;

Considering furthermore that the text of the Convention does not provide for an amendment procedure, which makes it difficult to amend that text as may be considered necessary;

Have Agreed as follows:

ARTICLE 1

The following Article shall be added between Article 10 and Article 11 of the Convention:

"ARTICLE 10 BIS

1. This Convention may be amended at a meeting of the Contracting Parties convened for that purpose in accordance with this Article.

2. Proposals for amendment may be made by any Contracting Party.

3. The text of any proposed amendment and the reasons for it shall be communicated to the organization or government performing the continuing bureau duties under the Convention (hereinafter referred to as "the Bureau") and shall promptly be communicated by the Bureau to all Contracting Parties. Any comments on the text by the Contracting Parties shall be communicated to the Bureau within three months of the date on which the amendments were communicated to the Contracting Parties by the Bureau. The Bureau shall, immediately after the last day for submission of comments, communicate to the Contracting Parties all comments submitted by that day.

4. A meeting of Contracting Parties to consider an amendment communicated in accordance with paragraph 3 shall be convened by the Bureau upon the written request of one third of the Contracting Parties. The Bureau shall consult the Parties concerning the time and venue of the meeting.

5. Amendments shall be adopted by a two-thirds majority of the Contracting Parties present and voting.

6. An amendment adopted shall enter into force for the Contracting Parties which have accepted it on the first day of the fourth month following the date on which two thirds of the Contracting Parties have deposited an instrument of acceptance with the Depositary. For each Contracting Party which deposits an instrument of acceptance after the date on which two thirds of the Contracting Parties have deposited an instrument of acceptance, the amendment shall enter into force on the first day of the fourth month following the date of the deposit of its instrument of acceptance."

ARTICLE 2

In the testimonium following Article 12 of the Convention, the words "in any case of divergency the English text prevailing" shall be deleted and replaced by the words "all texts being equally authentic".

ARTICLE 3

The revised text of the original French version of the Convention is reproduced in the Annex to this Protocol.

ARTICLE 4

This Protocol shall be open for signature at Unesco headquarters in Paris from 3 December 1982.

ARTICLE 5

1. Any State referred to in Article 9, paragraph 2, of the Convention may become a Contracting Party to this Protocol by:

(a) signature without reservation as to ratification, acceptance or approval;

(b) signature subject to ratification, acceptance or approval, followed by ratification, acceptance or approval;

(c) accession.

2. Ratification, acceptance, approval or accession shall be effected by the deposit of an instrument of ratification, acceptance, approval or accession with the Director-General of the United Nations Educational, Scientific and Cultural Organization (hereinafter referred to as "the Depositary").

3. Any State which becomes a Contracting Party to the Convention after the entry into force of this Protocol shall, failing an expression of a different intention at the time of signature or of the deposit of the instrument referred to in Article 9 of the Convention, be considered as a Party to the Convention as amended by this Protocol.

4. Any State which becomes a Contracting Party to this Protocol without being a Contracting Party to the Convention, shall be considered as a Party to the Convention as amended by this Protocol as of the date of entry into force of this Protocol for that State.

ARTICLE 6

1. This Protocol shall enter into force the first day of the fourth month following the date on which two thirds of the States which are Contracting Parties to the Convention on the date on which this Protocol is opened for signature have signed it without reservation as to ratification, acceptance or approval, or have ratified, accepted, approved or acceded to it.

2. With regard to any State which becomes a Contracting Party to this Protocol in the manner described in paragraph 1 and 2 of Article 5 above, after the date of its entry into force, this Protocol shall enter into force on the date of its signature without reservation as to ratification, acceptance, or approval, or of its ratification, acceptance, approval or accession.

3. With regard to any State which becomes a Contracting Party to this Protocol in the manner described in paragraph 1 and 2 of Article 5 above, during the period between the date on which this Protocol is opened for signature and its entry into force, this Protocol shall enter into force on the date determined in paragraph 1 above.

ARTICLE 7

1. The original of this Protocol, in the English and French languages, each version being equally authentic, shall be deposited with the Depositary. The Depositary shall transmit certified copies of each of these versions to all States that have signed this Protocol or deposited instruments of accession to it.

2. The Depositary shall inform all Contracting Parties of the Convention and all States that have signed and acceded to this Protocol as soon as possible of:

(a) signatures to this Protocol;

(b) deposits of instruments of ratification, acceptance, or approval of this Protocol;

(c) deposits of instruments of accession to this Protocol;

(d) the date of entry into force of this Protocol.

3. When this Protocol has entered into force, the Depositary shall have it registered with the Secretariat of the United Nations in accordance with Article 102 of the Charter.

IN WITNESS WHEREOF, the undersigned, being duly authorized to that effect, have signed this Protocol.

DONE at Paris on 3 December 1982.

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